

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

WENDY THOMAS; SERVICE
EMPLOYEES INTERNATIONAL UNION,
LOCAL 721;

*Plaintiffs-Appellants/
Cross-Appellees,*

v.

COUNTY OF RIVERSIDE; LARRY
GROTEFEND, individually; DENNIS
ERICK SCHERTELL, individually;
RICK HALL, individually; BRIAN
MCARTHUR, individually; HEATHER
WOODS, individually; MARGIE
GEMENDE, individually;

*Defendants-Appellees/
Cross-Appellants.*

Nos. 12-55470
12-55812

D.C. No.
5:10-CV-01846-
VAP-DTB

ORDER

Filed January 8, 2015

Before: Alex Kozinski and Richard R. Clifton, Circuit
Judges, and Jed S. Rakoff, Senior District Judge.*

* The Honorable Jed S. Rakoff, Senior District Judge for the U.S. District Court for the Southern District of New York, sitting by designation.

ORDER

The Opinion filed on August 18, 2014, and published at 763 F.3d 1167, is hereby amended as follows:

On page 9 of the slip opinion, replace “moot.¹” with “moot as to the County of Riverside, Grotefend, Schertell, Hall, and Woods.¹ With regards to Gemende and McArthur, we remand for the district court to determine whether they are entitled to attorneys’ fees in light of the lack of evidence that they had any supervisory authority over Thomas.”

With this amendment, the panel has voted to deny the petition for panel rehearing. Judges Kozinski and Clifton vote to deny the petition for rehearing en banc, and Judge Rakoff so recommends. The full court has been advised of the petition for rehearing en banc and no judge of the court has requested a vote on en banc rehearing. *See* Fed. R. App. P. 35(f).

The petition for panel rehearing and the petition for rehearing en banc are denied. No further petitions for panel rehearing or rehearing en banc will be entertained.